CLERK'S OFFICE U.S. DIST. COURT AT DANVILLE, VA

MAY 0 9 2006

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JOHN F. CORCORAN, CLERK BY: WMCDOWN CLERK

KEITH FITZGERALD, Plaintiff,	```	DEI OIT VEERN
	)	Civil Action No. 7:06cv00270
v.	) ) )	MEMORANDUM OPINION
TAZWELL COUNTY CIRCUIT COURT, Defendant.	)	By: Hon. Jackson L. Kiser Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

## ADJUDGED AND ORDERED

that

- 1. All plaintiff's claims brought under 42 U.S.C. § 1983 shall be and hereby are **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1);
- 2. All plaintiff's claims brought under 28 U.S.C. § 2254 shall be and hereby are **DISMISSED** without prejudice pursuant to Rule 4 of the Rules Governing §2254 Cases;
- All other pending motions are hereby **DENIED** as **MOOT**; and
- 4. This case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order to the plaintiff.

ENTER: This \_\_\_\_\_ day of May, 2006.

Senior United States District Judge